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OF TEXAS

# HOUSE JOURNAL

TWENTY-NINTH LEGISLATURE—SECOND CALLED SESSION

## PROCEEDINGS

### FIRST DAY.

Hall of the House of Representatives,  
Austin, Texas,  
Monday, March 26, 1906.

In obedience to the proclamation by His Excellency, S. W. T. Lanham, Governor of Texas, convening the Twenty-ninth Legislature to meet in Special Session, at Austin, the seat of government, this the 26th day of March, A. D. 1906, the members of the House of Representatives assembled in Representative Hall at 12 o'clock M., and the House was called to order by Hon. F. W. Seabury, Speaker.

Speaker Seabury, after stating to the members present that the Twenty-ninth Legislature had been convened in extraordinary session for the purpose named in the proclamation of the Governor, directed the Clerk to read said document in full.

### GOVERNOR'S PROCLAMATION.

The proclamation was then read in full as follows:

### PROCLAMATION.

I, S. W. T. Lanham, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution, do hereby call a Special Session of the Twenty-ninth Legislature to convene in the City of Austin, Texas, beginning at twelve o'clock, meridian, Monday, March the 26th, A. D. 1906, for the following purpose, to wit:

To provide for definitely determining the votes which candidates for party nominations for State and District offices shall receive in State and District political conventions, based upon the results of the primary elections held in the different counties of the State or of the district, as the case may be.

In witness whereof I have hereunto set my hand and caused the Seal of

State to be affixed at Austin, Texas, this the 26th day of February, A. D. 1906.

S. W. T. LANHAM,  
Governor of Texas.

(Seal)  
By the Governor,  
O. K. SHANNON,  
Secretary of State.

The Clerk was then directed to call the roll and the following members answered to their names:

Hon. F. W. Seabury,  
Speaker.

Alderdice.	Davis
Anthony.	of Williamson.
Ayars.	Dean.
Barcus.	Dimmitt.
Bartholomew.	Dodd.
Bennett.	Douglass.
Bertram.	Edwards.
Black.	Egan.
Blalock, E. B.	Elliott.
Blalock, W. M.	Ellison.
Blalock of Wood.	Fitzhugh.
Blanton.	Foree.
Blount.	Fountain.
Brelsford.	Gafford.
Browne of Karnes.	Gilliam.
Brown of Kaufman.	Glenn.
Brown of Wharton.	Graham.
Bryan of Harris.	Greenwood.
Bryan of Taylor.	Guinn.
Bryant.	Hall.
Burnett.	Haltom.
Byrne.	Hamilton.
Cable.	Hancock.
Callan.	Harris.
Canales.	Heslep.
Carswell of Panola.	Hill.
Carswell of Wise.	Holmes.
Chapman.	Holsey.
Chesley.	Hoskins.
Cobbs.	Hudspeth.
Cottrell.	James.
Cranke.	Johnson.
Crockett.	Kennedy.
Daniel.	Kubena.
Daugherty.	Kyle.
Davis of Falls.	Love of Dallas.
Davis	Low.
of San Augustine.	Marsh.

Mason.	Shelby.
Mays.	Smith.
McClellan.	Soward.
McFaddin.	Sperry.
McKenzie.	Stavinoha.
McKinney.	Terrell
Mears.	of McLennan.
Miller.	Terrell of Travis.
Moran.	Terry.
Murray of Collin.	Thomas, Rosser.
Myrick.	Thomas, J. A.
Nelms.	Thompson.
O'Bryan.	Von Rosenberg.
O'Neal.	Ward.
O'Quinn.	Webb.
Onion.	Werner.
Peeler.	Williams.
Rice.	Willmeth.
Rieger.	Wilson.
Robertson.	Winter.
Sanders.	Witcher.
Shannon.	Witherspoon.

The following members were absent:  
Messrs. Beaty, Bowser, Crisp, Gray,  
Hays, Love of Williamson, Masterson,  
Murray of Wilson, Ramsey, Sevier  
and Timon.

Total number present, 118; necessary  
to a quorum, 89.

The Speaker announced a quorum  
present.

Rev. J. W. Lowber of Travis county,  
pastor of the Central Christian church,  
Austin, Texas, upon request of the  
Speaker, offered prayer.

#### VACANCIES IN THE HOUSE.

Speaker Seabury then announced  
that since adjournment of the Twenty-  
ninth Legislature last May, 1905, four  
vacancies had occurred in the mem-  
bership, two by resignation and two  
by death, namely: By resignation,  
Hon. W. B. Ware of Donley county.  
One Hundred and Sixth Representa-  
tive district, and Hon. A. L. Sharpe of  
El Paso county. One Hundredth Rep-  
resentative district; by death, Hon.  
J. D. Woods of Grayson county, Thirty-  
fifth Representative district and Hon.  
Lon A. Hagan of Fort Bend county,  
Twenty-fifth Representative district.

The Speaker then directed the Clerk  
to read the following communication  
from the Secretary of State:

The State of Texas,  
Department of State.

I, O. K. Shannon, Secretary of State  
of the State of Texas, do hereby certify  
that on the 8th day of February, A. D.  
1906, at a special election held in the  
Twenty-fifth Representative District,  
Hon. Thos. B. Peareson was elected  
to fill the unexpired term of Hon. Lon  
A. Hagan, deceased.

That on the 2d day of February, A. D.  
1906, at a special election held in the  
100th Representative District, Hon.  
Charles Davis, Jr., of El Paso, was  
elected to fill the unexpired term of  
Hon. A. L. Sharpe, resigned.

That on the 15th day of February,  
A. D. 1906, at a special election held  
in the 106th Representative District,  
Hon. J. R. Bowman of Amarillo was  
elected to fill the unexpired term of  
Hon. W. B. Ware, resigned.

All of which facts are shown by the  
certificates of election on file in this  
Department.

In testimony whereof, I have here-  
to signed my name officially, and  
caused to be impressed hereon the  
seal of State at my office in the City  
of Austin, Texas, this the 24th day  
of March, A. D. 1906.

(Seal)

O. K. SHANNON,  
Secretary of State.

The Speaker then stated that he had  
satisfactory evidence that W. J. Mathis  
had been elected to fill the vacancy  
caused by the death of Hon. J. D.  
Woods and he requested all the new  
members-elect present to come for-  
ward and take the oath of office.

#### OATH OF OFFICE ADMINISTERED.

Hons. J. R. Bowman, W. J. Mathis  
and Thos. B. Peareson then came for-  
ward and took the oath of office pre-  
scribed in the Constitution, which was  
administered by the Chief Clerk.

#### COMMITTEES OF NOTIFICATION.

Mr. Brown of Kaufman moved that the  
Speaker be authorized to appoint two  
committees consisting of three mem-  
bers each, and that one of said com-  
mittees be directed to inform the Gov-  
ernor that the House of Representa-  
tives is now assembled in Special Ses-  
sion in obedience to his proclamation  
and has a quorum present, and will be  
pleased to receive any communication  
he may desire to transmit; and that  
the other committee be directed to in-  
form the Senate that the House has a  
quorum present and is now ready to  
proceed with business.

The motion prevailed.

In accordance with above action the  
Speaker announced the following com-  
mittees:

To notify the Governor—Messrs.  
O'Bryan, Greenwood and Bowman.

To notify the Senate—Messrs. Brown  
of Kaufman, Webb and Mathis.

#### DEATH OF CHAPLAIN L. L. TUCKER ANNOUNCED.

The speaker announced that since  
adjournment of the First Called Session

of the Twenty-ninth Legislature. Rev. L. L. Tucker, the honored and revered Chaplain of the House in the Twenty-eighth and Twenty-ninth Legislatures, had been removed by death and that the resolution of the House providing for organization, making provision for election of Chaplain, a vacancy was thereby created.

#### ELECTION OF CHAPLAIN.

The Speaker then announced that nominations for Chaplain are in order.

Hon. Ferg Kyle of Hays county nominated Rev. W. J. Joyce of San Marcos, Hays county.

#### HOUSE NOTIFIED THAT THE SENATE HAS A QUORUM PRESENT.

At this juncture a committee from the Senate appeared at the bar of the House, and, being duly announced, reported that the Senate had assembled in special session in obedience to the proclamation of the Governor, that it had a quorum present, and is ready to proceed with business.

#### SENATE NOTIFIED.

The committee appointed to notify the Senate that the House had a quorum present and is ready to proceed with business, appeared at the bar of the House and being duly announced, stated that the duty had been performed.

#### PENDING BUSINESS.

The House resumed consideration of the pending business, same being election of Chaplain, Rev. W. J. Joyce of Hays county having been nominated.

There being no other nomination, Mr. Brown of Wharton moved that the rules be suspended and that the election be by acclamation.

#### GOVERNOR NOTIFIED.

At this juncture the committee appointed to notify the Governor appeared at the bar of the House and reported that they had performed the duty assigned them and that the Governor requested them to present his compliments to the House, wishing that the session might be short and the business speedily expedited and that he would immediately send in his first message:

#### MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office appeared at the bar of the House and, being duly announced, presented the following message from the Governor:

Executive Office,  
State of Texas, Austin,  
March 26, 1906.

To the Legislature:

By an unfortunate error in the enrollment of the bill entitled "An Act to

regulate elections," etc., which was passed at the Special Session of the Twenty-ninth Legislature in 1905, it appears that there were incorporated certain provisions which were not entitled to be recorded as expressing the legislative will and purpose. These provisions so erroneously enrolled are the first two sentences in Section 120 of said bill and are contradictory of what immediately follows in the same section. By their terms the candidate for any State or district office who receives a majority vote of all the votes cast in any county of the State or district (as the case may be) in the primary election, shall be entitled to the entire convention vote of such county in the convention called to nominate candidates. The next succeeding sentence, the validity and passage of which are not questioned, provides that "candidates for all State and district offices shall, in the nominating convention, have prorated among them the convention vote of each county in proportion to the vote cast for such candidate in the primary election in such county." However the error may have occurred, it seems necessary that it should be corrected.

This bill was received in the Executive Office shortly after the final adjournment of the Legislature. It was retained in the hands of the Governor for nearly a fortnight and was finally allowed to become a law without his signature. He believed that it contained many desirable improvements upon and useful amendments to the then existing law (the place of which it was intended to take in the statutes) and that it was unwise to destroy by his official disapproval the long and earnest work of the Legislature in its enactment.

The public dissatisfaction which has arisen in connection with the error mentioned, the adverse criticism to which it has been subjected and the possible serious results that may ensue if it shall be permitted to go unchanged and allowed to remain as it is, have been the subject of much discussion and need not be here elaborated. Very many members of the Legislature have expressed their desire that the necessary correction shall be made, the actual will of the lawmakers reflected, and that, now for then, shall be accurately recorded the section as it passed. How different soever may be the views of individual Senators and Representatives concerning the merits and policy of the propositions involved regarding the regulation and conduct

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of our primary elections and conventions, and notwithstanding some of them may not have approved the changes that have been made in the methods adopted for the government and action thereof, still it would seem that for the sake of the integrity of legislation they would not resist the correct recording of what has formerly been deliberately done in their respective bodies. The question is, will the Legislature expunge from the transcript of its previous work what was improperly inserted and rewrite into law what it has heretofore written? To do this will involve no sacrifice of personal opinion and in no wise affect the position which may have been formerly taken by any legislator in opposition to the decision of the majority.

I respectfully recommend that Section 120, Chapter XI, Laws, Special Session of 1905, be so amended as to conform to the language and meaning in which it was finally passed by the Legislature. There does not appear to be any good reason why the purpose for which you have been summoned should not be expeditiously accomplished.

I deem it appropriate to make a brief and partial statement concerning the condition of the State. As you are aware there is litigation now pending in relation to certain of the laws enacted on the subject of taxation. What the result of this litigation will be it is impossible to forecast, but I can not assume that it will be unfavorable to the State. It is believed that if these laws shall be upheld there will be sufficient revenues afforded to meet all obligations upon our Treasury under the appropriations heretofore made; and even if the settlement of the suits which have been instituted should be delayed, or if they should be finally decided against the State, it is hoped that in consequence of the increased ad valorem rate of taxation heretofore provided and the considerable addition to taxable values, as shown by the last assessments, in connection with other sources of revenue not affected by pending contests in the courts, the arrearages at the end of the present fiscal year will not be as large as has been generally supposed. I do not think it will be much, if any, in excess of the sum of \$350,000, and that it may not reach that amount is not improbable. There have been approved some deficiency estimates on account of urgent and unavoidable necessities in our quarantine operations and unforeseen conditions arising in certain other divisions of the public service. These, however, are quite moderate and independent of the amounts carried in our general appropriations, for which provision can be

made at the next regular session of the Legislature.

The State has a claim against the Federal government on account of expenses incurred in frontier protection approximating \$400,000, the payment of which it is hoped will be authorized during the present session of Congress and become available in our financial assets. Encouraging assurances to this effect have been received. If our hopes shall be realized in this respect the end of this fiscal year should find our Treasury in a reasonably good condition, if not upon an actual cash basis. In any event, at that time we shall be able to witness a great improvement over the situation that obtained on August 31, 1905. We are now paying all State warrants on presentation, and will continue so to do for some time—just how long can not be definitely stated. It is confidently expected that, before the term of the present administration shall expire, the penitentiary system will turn into the State Treasury, to the credit of the general revenue fund, a sum not less than \$150,000, and it is not unlikely that even a greater amount will be so placed. This system has been as well managed as capable and efficient men could possibly conduct so large and difficult a business as it has shown itself to be. If we shall be spared from flood and flame and no unforeseen disasters shall occur, I have no doubt it will be practically demonstrated that this most important branch of our public service has been wisely administered and successfully operated in all its details. The rehabilitation of and practical results accomplished through the iron industry at the Rusk penitentiary, it is hoped, will prove to be, not only profitable, but a useful object lesson and cause of encouragement for investment in iron manufacture in those parts of the State where the raw material abounds.

The provision made by the present Legislature for additional buildings and increased facilities for the care of the insane will, I am informed, be effective within the next few months, whereby we will be able to accommodate a large number of patients. I sincerely hope that ere long no lunatic will have to be confined in any unsuitable place. There are not so many applicants awaiting admission into our insane asylums as has been commonly supposed—for the reason that application has been made, quite frequently, at all three of these institutions for the admission of the same patient and in the general estimate of the number of those confined in the jails, the same person has been more than once enumerated. It is not unreasonable to

hope that the accommodations soon to be available at Terrell will be sufficient to relieve the unfortunate situation which has too long obtained. For your further information I submit the following statement from Dr. John S. Turner, Superintendent of the North Texas Hospital for the Insane:

"Terrell, Texas, March 10, 1906.

"S. W. T. Lanham, Governor of Texas,  
Austin, Texas.

"Dear Governor—Your favor to hand regarding the progress of new buildings, etc., and in reply I beg to say that the addition to the male annex is now almost complete. The plumbing, steam heating and last floor is now being completed and will be finished within about two weeks. The only chance for delay in its completion is the possibility of having a delay on the grates which cover the windows. The contractor has just informed me that he will be in position to have building accepted before, or at most, by April 15. The furniture for this building has been ordered some time and we hope there will be no delay on that account. This building will admit 100 white men.

"The male annex No. 2 is now being plastered; has about half the floor laid and steam heaters and plumbers are at work in the building. It will probably be June or July before we can get this building; it will accommodate 200 white men.

"The female annex No. 2 is about half finished, the brick work now being up to top of second floor windows. We hope to get this building by last of June or July, and if there is no more delay in the future than in the past, we can safely count on all these buildings by the time I have specified.

"The last building mentioned will make room for 200 colored females, 112 of whom are now on hand, giving us room for about 90 new patients of that class. The space now occupied by the 112 colored women who will be moved to new building, will be repaired and will accommodate 115 white ladies. The total accommodations of the new buildings will be about 500, giving us that number of additional or new patients. Very truly yours,

(Signed) "JOHN S. TURNER,  
"Superintendent."

There is now on hand a considerable amount of money (something over \$426,000) belonging to the permanent school fund. This is because there has been a falling off during recent months in satisfactory bond offerings, and a great number of redemptions on former obligations, thus producing an

unusual accumulation in the treasury. The State Board of Education has endeavored to invest this fund as fast and judiciously as possible, and at the best rates of interest that could be secured, and until recently there has been no difficulty in preventing any material congestion. The Board has invested since December 31, 1904, \$1,256,000 in the purchase of bonds authorized by law, at an average rate of interest of 4.08 per cent. From January 20, 1903, up to December 21, 1904, it had similarly invested \$1,795,358 at an average rate of interest of 4.02 per cent, and \$128,700 at 5.02 per cent. In all, up to the 16th of this month, it has invested during this administration \$3,180,358 at the average rates of interest above stated. There has not been a single default in the payment of interest on any bond purchased, and there is not in this respect a delinquent upon the books. It is hoped that desirable bonds may be offered in the near future and that the Board may be able to continue to make investments as it has heretofore done in those securities the law contemplates. The Board made an apportionment of \$5.25 per capita for 1905-06, for the benefit of the public free schools, an increase over that of preceding years.

There are many other matters of public interest that might be discussed in connection with the condition of the State's affairs and the conduct of its business, which will be deferred for a future occasion, when it will be in order to submit a more extended and comprehensive final statement and fully show to a candid people "how the audit stands."

Let us be thankful that our people are generally healthful and prosperous, that we are in the midst of gratifying progress and development and that the prospect of the material welfare of the State is hopeful.

S. W. T. LANHAM,  
Governor.

The message was read in full and was laid upon the Speaker's table.

#### PENDING BUSINESS.

The House resumed consideration of pending business, same being election of Chaplain.

The motion of Mr. Brown of Wharton prevailed unanimously, and the Speaker declared that Rev. W. J. Joyce is the unanimous choice of the House for Chaplain.

#### COMMITTEE ASSIGNMENT.

The Speaker here stated that the resignation of Hon. W. B. Ware had created a vacancy in the chairmanship

of the Committee on Stock and Stock Raising and that Hon. Claude Hudspeth is hereby appointed to fill said vacancy.

He further stated that other committee assignments would be announced later.

#### IN MEMORY OF HON. J. D. WOODS.

Mr. Gafford offered the following resolution:

Whereas, Since the adjournment of the Regular Session of the Twenty-ninth Legislature death has claimed one of our most useful and able members, being our friend and colaborer, the Hon. J. D. Woods, from Grayson county, whose years of usefulness as a statesman in Texas began with his election to the Eighth House of Representatives when he had been but three years a citizen of this State, afterwards serving with fidelity and distinction as a member of the Twenty-third, Twenty-fourth and Twenty-fifth Senates and the Twenty-eighth and Twenty-ninth Houses of Representatives; therefore be it

Resolved, That in his death the State of Texas has lost an able, patriotic and useful servant, his county an honest, true and loyal representative and his neighbors and friends a noble, pure and efficient counselor and neighbor, and his family a kind husband and an indulgent and loving father; be it further

Resolved, That a page of the Journal of this House for the Special Session be set apart in his memory, and that this body when it adjourns this evening adjourn in honor of our departed friend and colaborer.

(Signed)

GAFFORD.  
WITCHER.  
MATHIS.

The resolution was read second time and

Mr. Harris moved that it be adopted by a rising vote.

The motion prevailed and the resolution was adopted unanimously.

(See appendix for memorial page.)

#### INVITATION FROM THE AUSTIN CLUB.

Mr. Peeler presented the following invitation to the House, which was read:

Austin, Texas, March 26, 1906.

To the Honorable Members, Officers and Correspondents of the House of Representatives:

It affords the Austin Club peculiar pleasure to invite you to a reception

given in its rooms at 9 o'clock Tuesday evening the 27th inst., in honor of the members of the present Legislature of Texas.

No admission cards required, the entertainment being informal and of old time Texas hospitality.

J. L. PEELER,  
President.

Mr. O'Quinn moved that the invitation be accepted.

(Mr. Greenwood in the chair.)

The motion to accept prevailed unanimously.

#### TRIBUTE TO THE MEMORY OF EX-GOVERNOR JAMES S. HOGG

Mr. Terrell of Travis offered the following resolution:

Resolved, That James S. Hogg, former Governor of Texas, was an incorruptible patriot and a great tribune of the people, all the people deplore his death and this House honors his memory.

The resolution was read second time and

Mr. Hancock moved that it be adopted by a rising vote.

The motion prevailed and the resolution was adopted unanimously.

#### PROVIDING FOR A COMMITTEE OF INVESTIGATION.

Mr. Terrell of McLennan offered the following resolution:

Whereas, There has been in circulation in this State, since the adjournment of the First Called Session of this body, rumors to the effect that the error in the enrollment of Section 120 of the Election Law, passed at said session, was deliberately and fraudulently committed, and direct charges have been made in newspaper publications and public utterances to that effect. Therefore be it

Resolved, That the following members of the House, to-wit: Hons A. T. McKinney, J. M. Alderdice, Yancey W. Holmes, W. H. Marsh and W. J. Bryan, be and they are hereby constituted a special committee to immediately proceed to investigate fully, all the facts connected with the enrollment of the said bill, and the care and custody from the time of enrollment up to the time of its delivery to the Governor, and ascertain the cause of said error in the enrollment, and to report their findings to this House. Said committee shall have full power to send for persons and papers, and to take testimony under oath of all witnesses necessary, and to compel the attendance of all persons concerned

**In Memory of**

**Hon. Lon A. Hagan**

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Mr. Brown of Wharton offered the following resolution:

WHEREAS, Since the adjournment of this body on the 14th day of May last, one of our worthy colaborers, the Hon. Lon A. Hagan, of Fort Bend county, Representative of the Twenty-fifth Representative District in the Twenty-eighth and Twenty-ninth Legislatures, has been by the inscrutable hand of Providence removed from earthly labors to his final resting place; and,

WHEREAS, It is meet and proper that we pay a fit tribute to his memory; therefore be it

*Resolved*, that in the death of the Hon. Lon A. Hagan the State of Texas has lost an able and patriotic citizen and legislator, and his wife a tender and devoted husband, and we hereby extend to the grief-stricken wife and family our sincere condolence and heartfelt sympathy in this sad bereavement; and be it further

*Resolved*, that a page of the House Journal be set apart for this resolution. (Signed)

BROWN of Wharton,  
KYLE,  
PEARSON.

The resolution was read second time and Mr. Johnson moved that it be adopted by a rising vote.

The motion prevailed and the resolution was adopted unanimously.





in the making of said investigation. All expenses thereof, when approved by said committee, to be paid out of the Contingent Fund of the House.

The resolution was read second time. Question.—Shall the resolution be adopted?

Mr. Brelsford moved to postpone further consideration of the resolution until tomorrow.

Mr. Kennedy yielding the floor, on motion of Harris, the House, at 1. p. m., took recess to 3 o'clock p. m., to-day.

#### AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

#### ADDITIONAL MEMBERS PRESENT.

Messrs. Crisp, Murray of Wilson and Love of Williamson, who were absent at roll call this morning, came in and were marked present.

#### PENDING BUSINESS.

When the House recessed it had under consideration the resolution by Mr. Terrell of McLennan, providing for a special committee to investigate the erroneous enrollment of Section 120 of the General Election Law, passed by the First Called Session of the Twenty-ninth Legislature.

Pending Question—Motion of Mr. Brelsford to postpone further consideration of the resolution until tomorrow, Mr. Kennedy entitled to the floor.

#### HOUSE BILLS ON FIRST READING.

The Speaker here stated that several bills had been filed with the Clerk and that he would direct that they be read and referred to appropriate committees, in the meantime, holding the pending business in abeyance.

By Mr. Blount:

House Bill No. 1.—A Bill to be entitled, "An Act to amend House Bill No. 8, Chapter II, Section 120, of the General Laws of the State of Texas, passed by the Twenty-ninth Legislature at its regular session."

Read first time and referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Kennedy:

House Bill No. 2.—A Bill to be entitled, "An Act to determine the votes which candidates for party nominations

for State and District Offices shall receive in the State and District political conventions, based upon the result of the primary election in the different counties of the State or of the District, and to repeal all laws or parts of laws in conflict therewith.

Read first time and referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Brown of Kaufman:

House bill No. 3, a bill to be entitled "An Act to amend Section 120, Chapter 11, of the General Laws of the State of Texas as passed by the First Called Session of the Twenty-ninth Legislature entitled 'An Act to regulate elections and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time and referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Browne of Karnes and Mr. Harris:

House bill No. 4, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to regulate elections and to provide penalties for its violation and repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time and referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Marsh:

House bill No. 5, a bill to be entitled "An Act making an appropriation for the per diem and mileage pay of members and per diem pay of officers and employes of the Second Called Session of the Twenty-ninth Legislature of the State of Texas, convened March 26, 1906, by proclamation of the Governor."

Read first time and referred to the Committee on Appropriations.

By Mr. O'Quinn:

House bill No. 6, a bill to be entitled "An Act making an appropriation to defray the contingent expenses of the Second Called Session of the Twenty-ninth Legislature, convened March 26, 1906, by proclamation of the Governor."

Read first time and referred to the Committee on Appropriations.

COMMUNICATION FROM THE SECRETARY OF STATE, ALBANY, NEW YORK.

The Speaker directed that the following communication be read to the House and printed in the Journal:

State of New York,  
Office of the Secretary of State,  
Albany, March 23, 1906.

To the Honorable, the Legislature of the State of Texas, Austin, Texas.

Gentlemen—I have the honor to transmit herewith a copy of a Concurrent Resolution, adopted by the Legislature of the State of New York, dated March first, nineteen hundred and six, yours respectfully.

JOHN T. O'BRIEN,  
Secretary of State.

State of New York,  
In Senate,  
Albany, March 1, 1906.

Whereas, It appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof, and

Whereas, The practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved (If the Assembly concur), That application be and hereby is made to Congress, under the provisions of Article 5 of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and Congress shall be given power to force such prohibition by appropriate legislation.

Resolved, That the Legislatures of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved Further, That the Secretary of State be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said body representing

sending this State therein; also to transmit copies hereof to the Legislatures of all other States of the United States.

By order of the Senate, Lafayette B. Gleason, Clerk.

In Assembly March 2, 1906.

Concurred in without amendment. By order of the Assembly, A. E. Baxter, Clerk.

State of New York,  
Office of the Secretary of State.

The foregoing is a true copy of a concurrent resolution of the Senate and Assembly of the State of New York, filed in this office March 6, 1906.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this twentieth day of March, in the year one thousand nine hundred and six.

JOHN T. O'BRIEN,  
Secretary of State.

COMMITTEE ASSIGNMENTS.

The Speaker announced the following assignments to committees:

Mr. Mathis—State Affairs, Constitutional Amendments, State Asylums, Privileges, Suffrage and Elections.

Mr. Davis—Public Lands and Land Office, Federal Relations, Municipal Corporations, Stock and Stock Raising, Mines and Mining, Irrigation.

Mr. Pearson—State Affairs, Penitentiaries, Military Affairs.

Mr. Bowman—Public Lands and Land Office, Judicial Districts, Counties, Stock and Stock Raising.

GRANTED LEAVE OF ABSENCE.

Mr. Bowser for today and tomorrow, on account of important business, on motion of Mr. Love of Dallas.

Mr. Anthony for today, on account of sickness, on motion of Mr. Sanders.

Mr. Sevier for today, on account of delayed train, on motion of Mr. Browne of Karnes.

Mr. Masterson for today, on account of sickness, on motion of Mr. Harris.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being the resolution by Mr. Terrell of McLennan, providing for a special committee to investigate the erroneous enrollment of Section 120 of the General Election Law, passed at the First Called Session of the Twenty-ninth Legislature.

Question—Shall the motion of Mr. Brelsford to postpone further consid-

eration of the resolution until tomorrow prevail?

(Mr. Greenwood in the chair.)

Mr. Wilmeth moved to table the motion to postpone.

Mr. Brelsford, under the rules, addressed the House on the motion to table, whereupon

Mr. Wilmeth withdrew the motion to table.

Mr. Dodd then moved to table the motion to postpone.

Yeas and nays were demanded and the motion to postpone was tabled by the following vote:

Yeas—111.

Alderdice.	Greenwood.
Anthony.	Guinn.
Ayars.	Hall.
Barcus.	Haltom.
Bartholomew.	Hamilton.
Begnett.	Hancock.
Bertram.	Harris.
Black.	Heslep.
Blalock, E. B.	Hill.
Blalock, W. M.	Holmes.
Blalock, W. R.	Holsey.
Blanton.	Hoskins.
Blount.	Hudspeth.
Browne	James.
of Karnes.	Johnson.
Brown	Kennedy.
of Kaufman.	Kubena.
Brown	Kyle.
of Wharton.	Love of Dallas.
Bryan of Harris.	Low.
Bryant.	Marsh.
Burnett.	Mason.
Byrne.	Mathis.
Cable.	Mays.
Callan.	McClellan.
Canales.	McKenzie.
Carswell of Panola.	Mears.
Carswell of Wise.	Miller.
Chapman.	Moran.
Chesley.	Murray of Collin.
Cottrell.	Murray of Wilson.
Cranke.	Myrick.
Crockett.	Nelms.
Daniel.	O'Bryan.
Daugherty.	O'Neal.
Davis of Falls.	O'Quinn.
Davis	Onion.
of San Augustine.	Peareson.
Dean.	Peeler.
Dimmitt.	Rice.
Dodd.	Rieger.
Douglass.	Robertson.
Edwards.	Sanders.
Elliott.	Shannon.
Ellison.	Shelby.
Fitzhugh.	Smith.
Foree.	Soward.
Fountain.	Sperry.
Gafford.	Stavinoha.
Gilliam.	Terrell
G'enn.	of McLennan.
Graham.	Terry.

Thomas, Rosser.	Williams.
Thomas, J. A.	Wilmeth.
Thompson.	Wilson.
Ward.	Winter.
Webb.	Witcher.
Werner.	Witherspoon.

Nays—5.

Brelsford.	of Williamson.
Bryan of Taylor.	Egan.
Davis	Von Rosenberg.

Absent.

Beaty.	Masterson.
Bowser.	McFaddin.
Cobbs.	McKinney.
Crisp.	Ramsey.
Gray.	Sevier.
Hays.	Terrell of Travis.
Love	Timon.
of Williamson.	

Present—Not Voting.

Bowman.

I vote "no" on the motion to table the motion to postpone for the reason that I think the resolution should be postponed until the morning hour tomorrow to give time for the careful preparation of a joint resolution giving the committee authority to sit in vacation and to pursue the investigation, if it finds itself unable to complete a full and fair investigation before the session closes. If the Special Session closes in three days or less I fear the committee will not have time for a full investigation and report, and under the simple resolution proposed, it could not sit in vacation.

BRELSFORD of Eastland.

Question now recurring—Shall the resolution be adopted?

Mr. Dodd offered the following amendment to the resolution:

And a copy of their report be sent to the leading newspapers of the State with request to print.

Mr. O'Quinn moved the previous question and the main question was ordered.

Question then first recurring on the amendment by Mr. Dodd, it was lost. Yeas and nays were demanded and the resolution was adopted by the following vote:

## Yeas—110.

Mr. Speaker.	Hancock.
Alderdice.	Harris.
Anthony.	Heslep.
Ayars.	Hill.
Barcus.	Holsey.
Bartholomew.	Hoskins.
Bennett.	Hudspeth.
Bertram.	Johnson.
Black.	Kennedy.
Blalock, E. B.	Kubena.
B'alock, W. M.	Kyle.
Blalock of Wood.	Love of Dallas.
Blanton.	Low.
Blount.	Mason.
Brelsford.	Mathis.
Browne of Karnes.	Mays.
Brown	McClellan.
of Kaufman.	McFaddin.
Brown	McKenzie.
of Wharton.	Mears.
Bryan of Harris.	Miller.
Bryant.	Moran.
Burnett.	Murray of Collin.
Byrne.	Myrick.
Cable.	Nelms.
Callan.	O'Bryan.
Carswell of Panola.	O'Neal.
Carswell of Wise.	O'Quinn.
Chapman.	Onion.
Chesley.	Pearson.
Cobbs.	Peeler.
Cottrell.	Rice.
Cranke.	Rieger.
Crockett.	Robertson.
Daniel.	Sanders.
Davis of Falls.	Shannon.
Davis of	Shelby.
San Augustine.	Smith.
Davis of	Soward.
Williamson.	Sperry.
Dimmitt.	Stavinoha.
Dodd.	Terrell of
Douglass.	McLennan.
Edwards.	Terrell of Travis.
Egan.	Terry.
Elliott.	Thomas, Rosser.
Ellison.	Thomas, J. A.
Fitzhugh.	Von Rosenberg.
Foree.	Ward.
Fountain.	Webb.
Gafford.	Werner.
Gilliam.	Williams.
Graham.	Wilmeth.
Greenwood.	Wilson.
Guinn.	Winter.
Hall.	Witcher.
Haltom.	Witherspoon.
Hamilton.	

## Nays—4.

Canales.	Glenn.
Dean.	Thompson.

## Absent.

Beaty.	Daugherty.
Bryan of Taylor.	Gray.
Crisp.	Hays.

James.	Murray
Love of	of Wilson.
Williamson.	Ramsey.
McKinney.	Timon.

## Present—Not Voting.

Bowman.	Marsh.
Holmes.	

## Absent—Excused.

Bowser.	Sevier.
Masterson.	

PROVIDING FOR SINE DIE  
ADJOURNMENT.

Mr. Rice offered the following resolution:

House concurrent resolution No. 1, fixing time for sine die adjournment of the Second Called Session of the Twenty-ninth Legislature.

Whereas, The Twenty-ninth Legislature of the State of Texas was convened by the Governor and is now assembled for the purpose of correcting an error made in the enrollment of Section 120 of the election law, passed at the First Called Session of the Twenty-ninth Legislature; and,

Whereas, It appears that by the exercise of ordinary industry said correction can be easily, successfully and satisfactorily made within three days' time, at most; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Second Called Session of the Twenty-ninth Legislature of the State of Texas shall stand adjourned sine die at 4 o'clock p. m. on Thursday, March 29, A. D. 1906.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Brelsford offered the following amendment to the resolution:

Amend by substituting the words "Wednesday, March 28, A. D. 1906, at 12 o'clock midnight," for "Thursday, March 29, 1906."

Mr. Winter offered the following substitute for the resolution:

Be it resolved by the House of Representatives, the Senate concurring, That the Second Called Session of the Twenty-ninth Legislature adjourn sine die at 10 o'clock a. m. Thursday, March 29, 1906.

On motion of Mr. Dean, the resolution was tabled subject to call.

Mr. Wilmeth moved that the House adjourn until 10 o'clock a. m. tomorrow and the motion was lost.

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On motion of Mr. Bryan of Harris, the House, at 4:40 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF THE COMMITTEE ON  
PRIVILEGES, SUFFRAGE AND  
ELECTIONS.

Committee Room,

Austin, Texas, March 26, 1906.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 2, have had the same under consideration, at a session of said committee, and have recommended that it do not pass, and they have authorized Hon. Edward F. Harris, a member of the committee, to make a full report thereon to the House.

TERRELL of Travis, Chairman.

Committee Room,

Austin, Texas, March 26, 1906.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 3, have had the same under consideration, at a session of said committee, and have recommended that it do not pass, and they have authorized Hon. Edward F. Harris, a member of the committee, to make a full report thereon to the House.

TERRELL of Travis, Chairman.

Committee Room,

Austin, Texas, March 26, 1906.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir—Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 4, have had the same under consideration, at a session of said committee, and have recommended that it do pass, and they have authorized Hon. Edward F. Harris, a member of the committee, to make a full report thereon to the House.

TERRELL of Travis, Chairman.

REPORT OF THE COMMITTEE ON  
APPROPRIATIONS.

Committee Room,

Austin, Texas, March 26, 1906.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir—Your Committee on Appropriations, to whom was referred House bill No. 5, have had the same under

consideration, at a regular session of the committee, and report same back to the House with the recommendation that it do pass.

W. O. MURRAY, Chairman.

Committee Room,

Austin, Texas, March 26, 1906.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir—Your Committee on Appropriations, to whom was referred House bill No. 6, have had the same under consideration, at a regular session of the committee, and report it back to the House with the recommendation that it do pass, with the following committee amendment:

Amend by striking out "five thousand dollars (\$5000)," where it appears in the bill, and inserting in lieu thereof "five hundred dollars (\$500)."

W. O. MURRAY, Chairman.

SECOND DAY.

Hall of the House of Representatives.  
Austin, Texas,

Tuesday, March 27, 1906.

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Seabury in the chair.

Roll call showed the following members present:

Present.

Mr. Speaker.	Cobbs.
Alderdice.	Cottrell.
Anthony.	Cranke.
Ayars.	Crisp.
Bartholomew.	Crockett.
Bennett.	Daniel.
Bertram.	Daugherty.
Black.	Davis of Falls.
Bialock, E. B.	Davis
Bialock, W. M.	of San Augustine.
Bialock of Wood.	Davis
Blanton.	of Williamson.
Blount.	Dean.
Bowman.	Dimmitt.
Brelsford.	Dodd.
Browne of Karnes.	Douglass.
Brown	Edwards.
of Kaufman.	Egan.
Brown	Elliott.
of Wharton.	Ellison.
Bryan of Harris.	Fitzhugh.
Bryan of Taylor.	Foree.
Bryant.	Fountain.
Burnett.	Gafford.
Byrne.	Gilliam.
Cable.	Glenn.
Callan.	Graham.
Canales.	Greenwood.
Carswell of Panola.	Guinn.
Caswell of Wise.	Hall.
Chapman.	Haltom.
Chesley.	Hamilton.